

Readopt with amendment He-W 627.04, effective 9-20-08 (Document #9275), and change the part heading for He-W 627, so that the part heading and He-W 627.04 are cited and read as follows:

CHAPTER He-W 600 FINANCIAL ASSISTANCE AND ELIGIBILITY FOR MEDICAL CARE

PART He-W 627 TECHNICAL REQUIREMENTS FOR IDP AND FWOC CATEGORIES OF FINANCIAL AND MEDICAL ASSISTANCE

He-W 627.04 General Requirements for IDP and FWOC Financial Assistance.

(a) Applicants and recipients of IDP, as defined in He-W 601.05(i), and FWOC, as defined in He-W 601.04(e), categories of financial assistance shall not be required to assign their rights to financial child support to the department as a condition of eligibility.

(b) Applicants and recipients of IDP and FWOC financial assistance shall not be subject to child support sanctions described in RSA 167:82, V(a).

Repeal He-W 627.05, effective 9-20-08 (Document #9275), and hold said section in reserve, as follows:

He-W 627.05 ~~General Requirements for IDP and FWOC Categories of Medical Assistance.~~RESERVED

~~—(a) Requirements at 42 USC 1396k and 42 USC 608(a)(2)(B) and (3) shall apply to applicants and recipients of IDP, and FWOC.~~

Readopt with amendment He-W 637.23, effective 9-20-08 (Document #9275), cited and to read as follows:

CHAPTER He-W 600 FINANCIAL ASSISTANCE AND ELIGIBILITY FOR MEDICAL CARE

PART He-W 637 THE NEW HAMPSHIRE EMPLOYMENT PROGRAM (NHEP)

He-W 637.23 Post Secondary Education.

(a) When determining the NHEP participant's need for a post secondary educational program, as described in RSA 167:85 and 167:91, the NHEP representative shall perform an assessment of the following:

- (1) The marketability of the participant's current skills, experience, training, and education;
- (2) The participant's ability to achieve self-sufficiency without a post secondary educational program;
- (3) The specific post secondary educational program's direct marketability in the local labor market;
- (4) The participant's ability to successfully complete a post secondary educational program;

(5) The participant's ability to access support services needed to engage in a post secondary educational program, such as transportation and child care; and

(6) The participant's prior enrollment and progress made in previous education and training experiences.

(b) A post secondary educational program shall meet the following criteria:

(1) Be consistent with the participant's employability plan; and

(2) Have a reasonable expectation that the degree or certificate will result in the participant obtaining employment.

(c) To maintain approval for the post secondary educational program, the participant shall provide verification of satisfactory progress in the program, as defined in He-W 637.01(j).

(d) The post secondary educational program shall be approved for a period of time not to exceed a lifetime limit of 12 months, whether or not consecutive months, including in the sum total of 12 months any months spent in vocational educational training activities as described in He-W 637.22.

(e) The time limit identified in (d) above shall:

(1) Be extended for an additional 3 months beyond the 12 month lifetime limit when additional time is needed for the participant to complete and graduate from a program in which the participant is making satisfactory progress; and

(2) Not apply to a participant with a documented learning disability who provides verification of the disability and the need and length of time for extended participation in the post secondary educational program from either:

a. A state certified education professional licensed to diagnose learning disabilities; or

b. A licensed psychologist.

(f) When determining the NHEP participant's need for additional postsecondary educational programs when the participant already has at least one prior post secondary degree, the NHEP representative shall consider the following:

(1) Whether labor market changes have affected the occupation associated with the participant's prior post secondary degree;

(2) Whether, due to a documented disability, the participant no longer possesses the needed abilities to perform the job functions associated with the prior post secondary degree;

(3) Whether the participant's prior post secondary educational program was interrupted due to a personal emergency, and if that situation is now resolved; and

(4) Whether the participant was previously unsuccessful in completing a post secondary educational program, and the reasons for the prior failure.

Readopt with amendment He-W 654.13, effective 9-1-08 (Document #9252), cited and to read as follows:

CHAPTER He-W 600 FINANCIAL ASSISTANCE AND ELIGIBILITY

PART He-W 654 EVALUATION AND TREATMENT OF INCOME

He-W 654.13 Earned Income Disregard (EID) and Employment Expense Disregard (EED) for Financial Assistance to Needy Families (FANF).

(a) An earned income disregard (EID), as defined in He-W 601.03(1), shall be subtracted from gross earned income for each applicant or recipient whose needs and income are considered when determining eligibility for FANF financial assistance.

(b) For applicants who have not received FANF financial assistance in any one of the previous 6 months, the EID shall be 20% of the individual's monthly gross earned income.

(c) The 20% earned income disregard shall be:

- (1) Used to determine eligibility for applicants of FANF financial assistance in (b) above; and
- (2) The first subtraction from the monthly gross earned income.

(d) If a financial assistance applicant is determined eligible after applying the 20% EID as described in (c) above, then the benefit amount shall be determined using a 50% EID as described in (e) below.

(e) The 50% EID shall be used to determine:

- (1) The eligibility and the benefit amount for current FANF financial assistance recipients;
- (2) The eligibility and the benefit amount for applicants who have received FANF financial assistance in any one of the previous 6 months; and
- (3) The benefit amount for applicants who are determined eligible as described in (d) above.

(f) For FANF deeming and lump sum calculations, the employment expense disregard (EED), as defined in He-W 601.03(o), shall be 20% of the individual's gross earned income.

Readopt with amendment He-W 656.06, effective 9-1-08 (Document #9252), cited and to read as follows:

CHAPTER He-W 600 FINANCIAL ASSISTANCE AND ELIGIBILITY

PART He-W 656 RESOURCES

He-W 656.06 Resource Limits.

(a) When determining eligibility for Financial Assistance to Needy Families (FANF) financial assistance:

(1) Applicant households that have received financial assistance under FANF in any one of the previous 6 months shall be considered a recipient household in determining the resource limit to be used; and

(2) The resource limits shall be:

a. For applicant households, \$1,000; and

b. For recipient households, \$2,000.

(b) The resource limit for adult category financial assistance shall be \$1,500.

APPENDIX

<u>Rule</u>	<u>RSA/ Federal Citation</u>
He-W 627.04	RSA 167:77-a, I(a); RSA 167:77-e, II
He-W 627.05	
He-W 637.23	RSA 167:85, IV(i); RSA 167:88; RSA 167:91, III-a; 45 CFR 260.20(b); 45 CFR 261.2(i); 45 CFR 261.30
He-W 654.13	RSA 167:4, I(a); RSA 167:80, IV(i) and V; RSA 167:82, VII(b); 45 CFR 233.20(a)(6), (a)(11)
He-W 656.06	RSA 167:81, II; 45 CFR 223.20(a)(3)(i)